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SUBJECT: ELECTORAL COUNCIL PUBLISHES NEW VOTING DISTRICTS THAT FAVOR  
CHAVISMO

REF: 09 CARACAS 1605; 09 CARACAS 985; 09 CARACAS 681

CLASSIFIED BY: Robin D. Meyer, Political Counselor, DOS, POL; REASON:  
1.4(B), (D)

11. (C) Summary: On January 19, Venezuela's National Electoral Council (CNE) announced the official boundaries of voting districts ("circuitos" or "circunscripciones") that will be in effect for the September 2010 National Assembly (AN) elections. As had been widely anticipated, the Chavista-dominated CNE gerrymandered a number of key districts in a manner that distinctly favors President Chavez's majority United Socialist Party of Venezuela (PSUV). Of the seven states and Caracas Capital District that were redistricted, four are led by opposition governors. The redistricting results and the impact of other provisions of the country's new electoral law (LOPE) suggest that Chavez allies seek to shift approximately 12-14 seats in the PSUV's favor (of the 165 that will be at stake), possibly enough to deprive the opposition of a blocking one third in the National Assembly. The opposition has criticized the redistricting as unfair, but pledged to overcome it by delivering its voters to the polls in September. End Summary.

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NEW VOTING DISTRICTS MADE POSSIBLE BY RECENTLY ENACTED LAW  
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12. (C) On December 29, the CNE announced that it had determined the boundaries of voting districts in 13 of Venezuela's 23 states in anticipation of the September AN elections (Ref A); on January 19, the CNE announced the results for the remaining 10 states and the Caracas Capital District. The redistricting exercise was mandated by the country's new electoral law (LOPE) that was passed in July 2009, which enhanced the potential for gerrymandering by giving the CNE wide discretion in how it drew up the districts (Ref B). In the end, the CNE retained the 2005 district boundaries for 16 states and altered the boundaries for 7 states and the Capital District. (Note: the Caracas Capital District is comprised only of the Caracas municipality of Libertador, which is run by a Chavista

mayor. The four opposition-run municipalities of Caracas - Baruta, Sucre, Chacao, and El Hatillo - all fall within the boundaries of the state of Miranda. End Note.) The 7 states and the Capital District incorporate the most densely-populated parts of Venezuela, constituting approximately 53% of Venezuela's population, and will elect 72 of the National Assembly's 165 deputies in September. Four of the states - Carabobo, Miranda, Tachira, and Zulia - elected opposition leadership in the 2008 state and local elections.

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CNE GERRYMANDERING  
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¶3. (C) In constructing the new district boundaries, the CNE appears to have referred to voting patterns from the 2008 state and local elections and 2009 national referendum to determine which municipalities across Venezuela have tended to vote in favor of Chavismo or the opposition. Many of the changes were to state capitals and urban areas where the opposition is strongest. The districting changes constitute classic gerrymandering techniques: diluting opposition strongholds by dividing them into different districts; isolating Chavista areas from adjoining opposition neighborhoods to form a single, pro-Chavez district; or unifying densely-populated opposition regions into a single large district.

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¶4. (C) The CNE's decisions regarding Miranda State - in which the opposition-run Caracas municipality of Sucre was divided into three parts - constitute such gerrymandering. The poverty and crime-ridden Petare barrio has been isolated as a single, presumably Chavista, district. In a second district, the pro-opposition Sucre neighborhood ("parroquia") of Leoncio Martinez was attached to the other pro-opposition municipalities of Caracas - El Hatillo, Baruta, Chacao - to create a single, solid opposition voting district. The remaining strongly pro-Chavez Sucre neighborhoods of La Dolorita, Caucaguita and Fila de Mariches were joined to the larger municipalities of Plaza and Zamora, which have been evenly divided between opposition and Chavez supporters in recent elections, to create a district with a comfortable pro-Chavez margin.

¶5. (C) In Zulia State, the opposition stronghold of Maracaibo - which elects five AN Deputies - was redistricted in conjunction with the neighboring Chavista municipality of San Francisco. Based on the results, electoral expert and journalist Eugenio Martinez projects that only two of the city's five seats will go to the opposition, two will go to Chavismo, and a fifth will be up for grabs. Using the previous voting district boundaries for this region, and by extrapolating voting results from the 2008 and 2009 elections, Martinez suggests the opposition would otherwise have won four of these five seats. In Carabobo State, Martinez posits that the redistricting changes will result in Chavista candidates likely winning eight of the state's ten seats; under the previous district boundaries, Martinez believes Chavista candidates would have only won six.

¶6. (C) The CNE's manipulations within the Capital District have been considered the most egregious by local commentators. Again, using the previous district boundaries and projecting 2008/2009 voting results, local newspaper Tal Cual argued that of the seven seats up for direct election ("nominal"), the opposition and Chavez forces would each have won three seats, with one seat closely contested. But the paper projects that due to the clustering of several strongly pro-opposition neighborhoods into one district, and the diffusion of pro-Chavez neighborhoods to create modest pro-Chavez majorities in all the other districts, PSUV candidates

will likely capture six of the seven seats.

17. (C) The redistricting of the Chavista-led states of Barinas and Lara came as more of a surprise but also appears politically motivated. Barinas is President Chavez's home state, and while his brother Adan serves as governor there, he was elected by a very narrow margin in 2008. Podemos' AN Deputy from Barinas, Wilmer Azuaje, is widely expected to run for reelection, and Azuaje has made a national name by accusing the Chavez family of corruption in the state. Some local observers have speculated that the redistricting there may thus be seen as an attempt to limit the electoral potential of Azuaje in order to forestall the symbolic embarrassment that his victory would represent. The state of Lara is governed by the PSUV's highly popular Henri Falcon, but he has been perceived by many to be an outlier within the PSUV and a potential electoral threat to Chavez. Chavez has publicly questioned his loyalty to the ruling PSUV.

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THE ELECTORAL IMPACT  
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18. (C) The various redistricting changes suggest that the CNE intended to shift approximately 6-8 seats that would likely have gone to the opposition into the PSUV column. All of these potential pickups are concentrated in just three states and the Capital District, while in the other four states that were redistricted there is no evident impact on the composition of the states' future AN delegations. Local media projections of the impact of the new district boundaries are as follows:

\* Zulia (15 seats, the largest state contingent) - The PSUV would have won 6 seats under the previous law and district boundaries; under the new rules it is now positioned to win 7 or perhaps 8. (+1 or +2)

\* Miranda (12 seats) - The PSUV would have won 5 seats; it is now positioned to win 6. (+1)

\* Capital District (10 seats) - The PSUV would have won 5 seats; it is now positioned to win 8. (+3)

\* Carabobo (10 seats) - The PSUV would have won 6 seats; it is now positioned to win 8. (+2)

\* Lara (9 seats) - The PSUV would have won 7 seats under the previous law and boundaries in this generally pro-Chavez state. Analyst Eugenio Martinez projects that the PSUV could potentially lose one seat due to the redistricting. (No change or -1)

\* Tachira (7 seats) - The PSUV would have won 2 seats, and is similarly positioned now in this pro-opposition state. (No change)

\* Barinas (6 seats) - The PSUV would have won 5 seats, and is similarly positioned now in this pro-Chavez state. (No change)

\* Amazonas (3 seats) - The PSUV would have won all 3 seats, and is similarly positioned now in another pro-Chavez state. (No change)

19. (C) In addition to the CNE's gerrymandering, other provisions of LOPE (Ref C) relating to the election of AN deputies by party slate ("lista") suggest the Chavista majority in the AN intended to shift through those provisions another 6 seats towards the PSUV in the

September elections. These provisions included:

\* A reduction in the total number of seats elected by party slate, from approximately 60 to 52 (of the 165 at stake), and doing so through a formula that diminishes the collective impact of the pro-opposition votes in several larger states.

\* A modification of the method through which votes for party slates are allocated so as to provide the majority party - presumably the PSUV in September 2010 - with a mathematical advantage.

Following recent voting patterns, under the previous law the PSUV would have won 33 seats through party slate voting this year, and the opposition would have won 27. Under the adjusted party slate voting rules of LOPE, and again assuming the same voting patterns, the PSUV is now positioned to win 32 seats, while the opposition is positioned to win only 20. (From a 6 seat margin to a 12 margin = +6)

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DIAZ, OPPOSITION CRITICIZE REDISTRICTING  
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¶10. (SBU) Vicente Diaz, the sole independent CNE rector, criticized the redistricting as "arbitrary." He pointed to the changes in the districting in the areas of Miranda State that form the eastern part of Caracas, questioning the technical rationale behind the decision-making. Diaz asserted that "for professional reasons and a sense of responsibility to the country, I cannot support the decision to make changes of this nature." He added that 80 percent of the affected regions have opposition governments and warned that 2010 was likely to see the "same inequality" that favored the PSUV in previous elections. Nevertheless, Diaz encouraged voters go to the polls in September as the best way to overcome the inequality and create the legislative branch that "Venezuela really deserves."

¶11. (C) The CNE's redistricting within the opposition-led states had been anticipated by the opposition, and they responded to the results accordingly. Spokesman and AN Deputy Ismael Garcia from opposition party Podemos echoed the words of many when he observed: "We never expected anything different; we knew this was going to happen." Opposition electoral strategist Vicente Bello (from the UNT party) questioned why the CNE did not apply a standard redistricting logic to each state, asserting that it was indicative of the government's intention to "stick its hand into" states where Chavismo was weak.

¶12. (C) But Garcia and others in the opposition struck a careful balance between condemning the changes and rallying supporters to vote. Garcia called for unity and suggested that the opposition avoid "whining" about the result. He pledged that the opposition would overcome the obstacle created by the redistricting to "conquer the legislature." COPEI Governor of Tachira State Cesar Perez Vivas pledged that the opposition would win the majority in the AN, and the former opposition Governor of Miranda State, Enrique Mendoza, called on the electorate "not to allow itself to be intimidated." In uncharacteristically outspoken remarks at a press conference on January 20, Sucre Mayor Carlos Ocariz assailed the CNE's decision to carve Sucre into three parts, and defiantly

affirmed that all three districts would be won by opposition candidates. Pollster Luis Vicente Leon, of Datanalisis, told Poloffs January 21 that the opposition confronts an "impossible dilemma": they have a responsibility to criticize the unfairness of the electoral playing field, but doing so could also serve as a "disincentive" for opposition voters to go to the polls.

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CNE Still to Issue Electoral Regulations, Select Poll Workers  
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¶13. (C) In announcing the redistricting results, CNE President Tibisay Lucena asserted that the CNE used the criteria laid out in the LOPE and the population index to change the districting. She noted that "we have maintained the districting in as many cases as possible," pointing out that 16 states were unchanged, and affirmed that political considerations played no role in the outcome. Regarding other election-related requirements, Lucena pledged that the estimated 600,000 poll workers, who are drawn randomly from among the general population, would be selected by March 30. She said the voting registry would be re-opened for additions and

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changes from January 30 through April 30. She reiterated the CNE's previous claim that it would open an additional 1,125 voting centers throughout the country with the goal of increasing voter access to the polls, bringing the total number to 12,000 - a 50 percent increase since 2000. CNE Administrator Aime Nogat told Poloffs January 19 to expect the CNE to quickly release regulations regarding candidate registration, which will probably require candidates to physically present themselves in person at the CNE - a method of keeping exiled and jailed opposition figures from running for office.

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COMMENT  
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¶14. (C) If recent voting patterns hold in the 2010 elections, the reformed districts, combined with the LOPE-related changes, will have maximized the number of seats PSUV candidates can seriously contest. These 12-14 "additional" seats could provide a crucial margin for Chavez in his attempt to retain a two thirds majority in the National Assembly and thereby continue his revolutionary agenda without legislative impediments. But projecting the impact of the redistricting exercise based on previous voting patterns is difficult in Venezuela's volatile political environment. At a minimum, the decision regarding the voting districts should finally enable the opposition to move forward in their candidate selection process and campaigning.

CAULFIELD